

LIVESTOCK

Subchapter 5

Recording and Rerecording of Brands

NEW RULE I RECORDING/TRANSFERRING OF BRANDS (1) All Montana brands must be issued through the Department of Livestock Brand Recording office.

(2) Brand fees are set by the Board of Livestock as authorized by state statute.

(3) Application forms for new brands are available on the department website, at the brand office in Helena, and at brand offices located in livestock auction yards.

(a) The application and appropriate fee must be submitted to the brand recorder for processing.

(b) the brand recorder shall process the application in the following manner

(i) deposit fee

(ii) check for conflicts

(3) All brand transfer requests must be submitted with the appropriate fee to the brand recording office:

(i) completion of the request for transfer (located on the reverse side of the official brand certificate) must include the notarized signatures of the original owners as listed on the front of the official brand certificate;

(ii) if the original owner of the transferring brand is deceased a certified copy of the death certificate and certified power of attorney or appropriate documentation must be provided to complete the transfer;

(ii) the new owner names must be listed exactly as they will appear on the new certificate issued upon completion of transfer process by the brand recorder

(iii) transfer fees apply as per 32.18.107;

(3) Fees for new brands or transfers shall not be prorated.

(4) If the brand applied for has conflicts the brand recorder will notify the applicant and provide suggested available alternatives.

(5) After the department has initially received a brand recording, any proposed changes in that recording will be considered a new brand recording and the proper fee will be charged.

(6) Notwithstanding any other provision or policy, a brand will not be held or issued by phone.

(7) Requests by mail or phone to hold a brand for recording purposes will be honored for a period no longer than ten working days; not including the day the request was received.

(a) No more than two brands may be held by any one requestor.

(b) Requests must come directly from the individual(s) who will be the recorded owner(s).

(8) All forms or model letters issued for purposes of recording brands or clarifying brand recording requirements are considered part of the brand rules and policy of the Board of Livestock.

(9) The Department of Livestock, as one of its primary services to the livestock industry, provides easily recognizable brands to prospective livestock owners. For these reasons, brands are continually being sold for rather large sums of money. Departmental employees, having continual access to brand books and being acquainted with the communities in which they live and work, generally have advance opportunity to acquire desirable brands. Considering the service the department provides employees shall not take unfair advantage of this opportunity:

- (a) employees may not record more than three brands at any time;
- (b) employees may not record brands by phone;
- (c) employees may not record for others in any manner;
- (d) employees may not record any brand which has not been available for recording less than sixty days;
- (e) employees attempting to circumvent these rules are subject to disciplinary action.

NEW RULE II CONFLICT CHECKING PROCEDURES (1) Upon receipt of a brand application or transfer department employees will check for conflicts as follows:

- (a) check brand for open positions;
- (b) check for brand recordings in the same or adjoining county on the same side;
- (c) check series, if similar combinations on the same position are in the same or adjoining county, the brand shall not be issued;
- (d) check for conflicting brands according to the conflict checking list in the brand recorder's office.
- (e) check for conflicts of symbols according to the symbol conflict list in the brand recorder's office.

NEW RULE III RERECORDING OF BRANDS (1) All brands must rerecorded every ten years. The brand owner is responsible for rerecording the brand during the rerecord year.

(2) brands that are not rerecorded (or being processed by the brand recorder) prior to the rerecord deadline are no longer the property of the last recorded brand owner and become available.

(i) Certain brands, if allowed to expire, will not be reissued per brand recorder policy. example: single iron brands.

(3) If the department receives a rerecord notice, which in the opinion of the department is different than the previous recording, it shall verify the ownership or treat it as if it were a transfer of the brand.

(4) After the period for recording brands has ended, those brands which were previously recorded but were not rerecorded will not be available to anyone except the original owner, unless transferred, for a period of 90 (60?) days following the closing of rerecord.

NEW RULE IV BRANDS REVIEW ADVISORY COMMITTEE (1) is made up of the executive office, brands division administrator, assistant administrator, brands recorder, and district investigator.

(2) Shall meet as necessary to review brand applications that have conflicts per brand recorder research.

(3) This committee makes recommendations to the brand recorder to assist in the resolution of issues and conflicts including those not specifically addressed in the department's brand recording policy statement.

NEW RULE V SCATTER BRANDS (1) Scatter brands are brands where an identical character or characters must be located on more than one position on an animal.

(2) The use of scatter brands is inconsistent with the department's policy and responsibility of providing easily recognized and distinguishable brands to all livestock owners.

(3) Scatter brands will not longer be issued; those on record will be continued subject to their cancellation where possible.

NEW RULE VI FEEDLOT BRANDS (1) Feedlot brands may be available, subject to the following:

(a) the use of the brand is restricted to the specific feedlot registering the brand;

(b) the brand may be recorded on either hip near the tail head;

(c) the recorded feedlot brand cannot be less than 2" in height.

NEW RULE VII JAW BRANDS (1) Except for Department of Livestock Animal Health Division use, jaw brands for cattle shall not be issued.

NEW RULE VIII BRAND POSITION (1) Brands will be recorded by position.

(2) Each position shall be a separate brand.

(3) Positions are available on horses, cattle, hogs, and sheep:

(4) Horses. There are four primary positions and four alternate positions available on horses:

(a) primary positions are:

(i) left thigh or right thigh

(ii) left shoulder or right shoulder

(b) alternate positions

(i) left neck or right neck

(ii) left jaw or right jaw

(5) Cattle. There are six primary positions available for cattle:

(a) left hip or right hip

(b) left rib or right rib

(c) left shoulder or right shoulder

(d) Jaw brands on cattle may be used only in conjunction with the above positions.

(6) Hogs. Brands on hogs will be by request only and issued on a case by case basis.

(7) Sheep. No numeral paint brands for sheep shall be issued.

(a) Paint brands will be issued for positions such as right fore, right rear, left fore, and left rear in specified colors.

NEW RULE IX SIZE OF BRAND (1) The Department recommends 4 inches in length with a quarter inch face for cattle and 2.5 inches in length for horses.

(2) Owners of brands who received them by transfer from a previous owner and not by department designation may continue to use the former size but if changed, must comply with the department's rule.

REASON: The rule amendment corrects an outdated rule that addressed a perceived conflict. The rule has been changed in most other racing states to increase betting opportunities and to preserve racing fields. The racing stewards will address any actual conflicts resulting from multiple horses under one owner or trainer.

REASON: The proposed new rules are necessary to implement the provisions of Title 81-1-102, MCA which allows the department to create and administer a program for recording, rerecording and transfer of livestock brands. The new rules are necessary provide clarification and continuity of policies and procedures previously used as guidelines but not recorded as rules.

The proposed new rules will set forth definitions, outline the brand recording, transfer, and rerecord processes as follows. They explain describe procedures to record, rerecord, or transfer a brand, how brand recording fees are set and by whom. The proposed fees will generate \$_____ based on the (?)60,000 brands recorded in the state. The new rules set forth the brand recorder's duties, as necessary to inform any applicant of the procedures that will be required by the department for a person or entity to obtain, rerecord or transfer a brand. The new rules also address brand conflicts, establishes a procedure for review of conflicts, types and locations of brands on different livestock species, and size of brands on livestock.